

C O P Y

1954

July 13

NEW HAMPSHIRE LAW LIBRARY

Dr. Robert F. Chandler, Jr., President
University of New Hampshire
Durham, New Hampshire

SEP 22 1998

CONCORD, N.H.

Dear Dr. Chandler:

This opinion is given in response to your letter of June 11 in which you requested advice concerning the obligations, responsibilities and rights of the University in dealing with problems raised by the American Federation of State, County and Municipal Employees. It is rather difficult to give an opinion on such a comprehensive request, but we hope that the following principles will assist you in solving your present problem:

1. The University of New Hampshire is an instrumentality of the State. A strike against the University would be illegal since it would be, in effect, a strike against the sovereign State of New Hampshire.

2. The University is not required to bargain collectively with representatives of any group of employees. The Board of Trustees may, however, if it so desires properly meet with representatives of a union to discuss matters incident to the employment relations. Whether or not this should be done is a policy matter to be determined by the Board of Trustees.

3. The University may not treat representatives of any union as the exclusive bargaining agents for all employees. Governmental authority may not discriminate in favor of employees because of union membership.

4. The fact that the American Federation of State, County and Municipal Employees has enrolled a majority of the workers in question has no legal significance with respect to the Trustees' freedom to recognize or ignore A.F.S.C.M.E. representatives. If the Board is of the opinion that verification of A.F.S.C.M.E. affirmations concerning employees membership would assist in determining whether or not they should meet with this group, I will be glad to cooperate in this regard.

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- 2 -

July 13, 1954

I have discussed this matter with the Department of Labor. That department is willing to compare the A.F.S.C.M.E. list with the names on your payroll. On the other hand, if the Trustees feel that an election would furnish a more adequate indication of the attitude of the employees, the Commissioner of Labor would be glad to cooperation with you in conducting such an election.

We hope that the opinions contained herein will be of assistance to you. If there are still unanswered questions, or if new questions arise in the future, we will do our utmost to assist you in coping with them.

Very truly yours,

Elmer T. Bourque
Law Assistant

ETB/sal